

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JERRY SANTISTEVAN,

Plaintiff,

v.

MEGAN THOMPSON, et al.,

Defendants.

Case No.: 2:24-cv-00306-CDS-BNW

ORDER

9 On February 13, 2024, pro se plaintiff Jerry Santistevan, an inmate in the custody
10 of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983.
11 (ECF No. 1-1). But the complaint is not signed personally by Plaintiff. (See *id.* at 9). And
12 Plaintiff neither paid the full \$405 filing fee nor filed an application to proceed *in forma*
13 *pauperis* in this action. (See ECF No. 1). The Court will grant Plaintiff an extension of time
14 to submit a signed amended complaint to the Court and either pay the full \$405 filing fee
15 or file a fully complete application to proceed *in forma pauperis*.

16 I. DISCUSSION

A. Plaintiff must submit a signed amended complaint to the Court.

18 "A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P.
19 3. "A civil-rights complaint filed by a person who is not represented by an attorney must
20 be submitted on the form provided by this court or must be legible and contain
21 substantially all the information called for by the court's form." Nev. L.R. LSR 2-1. And the
22 complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

23 The Court cannot consider the original complaint because Plaintiff did not
24 personally sign it. (See ECF No. 1-1 at 9). If Plaintiff wants to proceed with this action,
25 Plaintiff must file an amended complaint that is signed personally by the Plaintiff. Plaintiff
26 is advised that an amended complaint replaces the original complaint, so the amended
27 complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner &*
28 *Co.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must

1 contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in
2 this action. Thus, the submission of a mere signature page will not be enough. Moreover,
3 Plaintiff should file the amended complaint on this Court's approved civil-rights form, and
4 it must be titled "First Amended Complaint."

5 **B. Plaintiff must either pay the filing fee or apply for *pauper* status.**

6 This Court must collect filing fees from parties initiating civil actions. 28 U.S.C.
7 § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which
8 includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any
9 person who is unable to prepay the fees in a civil case may apply to the court for leave to
10 proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma*
11 *pauperis* status, the inmate must submit **all three** of the following documents to the Court:
12 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages
13 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3;
14 (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that
15 is properly signed by both the inmate and a prison or jail official; and (3) a copy of the
16 **inmate's prison or jail trust fund account statement for the previous six-month**
17 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status
18 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that
19 the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

20 **II. CONCLUSION**

21 It is therefore ordered that Plaintiff has **until April 27, 2024**, to submit a signed
22 amended complaint to this Court.

23 It is further ordered that Plaintiff has **until April 27, 2024**, to either pay the full \$405
24 filing fee or file a fully complete application to proceed *in forma pauperis* with all three
25 required documents: (1) a completed application with the inmate's two signatures on page
26 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
27 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
28 six-month period.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
3 to refile the case with the Court, under a new case number, when Plaintiff can file a signed
4 complaint and either file a complete application to proceed *in forma pauperis* or pay the
5 required filing fee.

6 The Clerk of the Court is directed to send Plaintiff Jerry Santistevan (1) the
7 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same and
8 (2) an application to proceed *in forma pauperis* for an inmate and instructions for the
9 same, and to retain the complaint and exhibits (ECF No. 1-1) but not file them currently.

10 DATED THIS 27th day of February 2024.
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13 BRENDA WEKSLER
14 UNITED STATES MAGISTRATE JUDGE
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